

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
BEAUMONT DIVISION

DUANE BEATY §  
VS. § CIVIL ACTION NO. 1:14cv123  
JOHN FOX, ET AL. §

ORDER ADOPTING  
THE MAGISTRATE JUDGE'S REPORT AND RECOMMENDATION

Plaintiff Duane Beaty, an inmate confined within the Bureau of Prisons, proceeding *pro se*, filed the above-styled civil rights lawsuit. The court previously referred this matter to the Honorable Zack Hawthorn, United States Magistrate Judge, at Beaumont, Texas, for consideration pursuant to 28 U.S.C. § 636 and applicable orders of this Court.

The defendants have filed a motion to dismiss or, in the alternative, for summary judgment. The Magistrate Judge has submitted a Report and Recommendation of United States Magistrate Judge concerning the motion. The Magistrate Judge recommends the motion be granted.

The court has received and considered the Report and Recommendation of United States Magistrate Judge, along with the record and pleadings. No objections were filed.

ORDER

Accordingly, the findings of fact and conclusions of law of the Magistrate Judge are correct and the report of the Magistrate Judge is **ADOPTED** as the opinion of the court. The motion to dismiss or, in the alternative, for summary judgment is **GRANTED**. A final judgment shall be entered dismissing this lawsuit.

**So Ordered and Signed**  
Mar 10, 2017

  
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Ron Clark, United States District Judge